

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDALL MERTH.,

Plaintiffs,

v.

MANAGEMENT & TRAINING CORP., et al.,

Defendants.

Case No. 1:21-cv-01185 NONE JLT

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE
IMPOSED FOR THE PLAINTIFF'S
FAILURE TO PROSECUTE THIS
ACTION AND TO COMPLY WITH THE
COURT'S ORDERS; ORDER
CONTINUING THE MANDATORY
SCHEDULING CONFERENCE**

The plaintiff initiated this action on August 5, 2021. (Doc. 1) The Clerk of Court issued summons on August 11, 2021 (Doc. 3) The order setting the mandatory scheduling conference reads,

The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. Counsel are referred to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint Failure to timely serve the summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants.

(Doc. 3 at 1) However, the plaintiff has not filed proofs of service, and the defendants have not appeared in the action. Therefore, the Court ORDERS:

1. **No later than November 5, 2021**, the plaintiff **SHALL** show cause why sanctions should not be imposed for the failure to prosecute this action and to serve the summons and complaint in a timely fashion as ordered. Alternatively, the plaintiff may file a proof of

1 service demonstrating the summons and complaint has been served;

2 2. The scheduling conference is **CONTINUED** to **December 20, 2021** at 8:30 a.m.

3 Failure to respond may result in the Court recommending dismissal of the action.

4
5 IT IS SO ORDERED.

6 Dated: **October 21, 2021**

/s/ Jennifer L. Thurston
7 CHIEF UNITED STATES MAGISTRATE JUDGE